

REMARKS

This paper is being provided in response to the Office Action dated April 2, 2008, for the above-referenced application. In this response, Applicants have amended claims 1-7 and added new claims 8-20 to clarify that which Applicants consider to be the presently-claimed invention. Applicants respectfully submit that the amendments to the claims and the new claims are fully supported by the originally-filed specification. Further, Applicants have amended the specification and drawings for purposes of clarification. Applicants respectfully submit that the amendments to the specification and drawings do not add new subject matter.

The objection to claim 7 under 37 C.F.R. 1.75(c) has been addressed by amendments contained herein in accordance with the guidelines set forth in the Office Action. Accordingly, Applicants respectfully request that the objection be reconsidered and withdrawn.

The objection to Figure 2 is hereby traversed. The Office Action indicates that Figure 2 is objected to because "the elements are not labeled." However, reference numbers 20-29 are used in Figure 2 to label the elements, as discussed for example, on page 10, line 24 to page 11, line 22 of the originally-filed specification. Specifically, reference 20 identifies a schematic illustration of a mobile phone and includes the following illustrated and identified features: reference 21 identifies data entry keys, reference 22 identifies a call start key, reference 23 identifies a call end key, reference 24 identifies a scroll key, reference 25 identifies a multifunction key, reference 26 identifies a microphone, reference 27 identifies a liquid crystal display, reference 28 identifies a speaker, and reference 29 identifies an image shooting device. Accordingly, Applicants respectfully submit that Figure 2 appears to include sufficient labeling

of elements under 37 C.F.R. 1.84, and includes numeral reference characters, which are indicated as preferred under 37 C.F.R. 1.84. Accordingly, Applicants respectfully request that the objection be reconsidered and withdrawn. To the extent this objection is to be maintained, Applicants request further clarification as to the nature of this objection.

The rejection of claim 7 under 35 U.S.C. 112, second paragraph, as being indefinite, has been addressed by amendments contained herein in accordance with the guidelines set forth in the Office Action. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent App. Pub. No. 2002/0047867 to Mault, et al. (hereinafter "Mault") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 1, as amended herein, recites a mobile communication terminal includes image shooting means for shooting an image. Image data memory means stores data of a code image shot by the image shooting means. Image data analyzing means analyzes the data of the code image to obtain code data from the code image. Control means controls at least one of: the image shooting means, the image data analyzing means and said image data memory means. Application program executing means executes an application program using the code data, wherein the control means controls at least one of: the image shooting means, the image data analyzing means and the image data memory means based on a control request instruction sent from said application program executing means that is executing the application program,

wherein the control request instruction corresponds to the code data. Claims 2-7 depend directly or indirectly from independent claim 1.

The Mault reference discloses a system for image based diet logging. An optical image sensor records food images in a memory of an electronic device. The images are used to identify the foods from the images and food item identifies are selected and recorded to create a log of food items consumed. (See, for example, Abstract and Figures 2 and 3 of Mault).

Applicants' independent claim 1, as amended herein, recites a mobile communication terminal that includes at least the features of an image data analyzing means for analyzing the data of a code image to obtain code data from the code image; and control means for controlling at least one of: said image shooting means, said image data analyzing means and said image data memory means; and application program executing means for executing an application program using the code data, wherein said control means controls at least one of: said image shooting means, said image data analyzing means and said image data memory means based on a control request instruction sent from said application program executing means that is executing the application program. Specifically, an application program provides an instruction to the control means that controlling the image shooting means, image data analyzing means and/or image data memory means, which are used in the obtaining of code data from the code image, and the code data is used in connection with the execution of the application program. For purpose of explanation and example only, Applicants refer to the discussion beginning on page 19 of the originally-filed specification, in which is disclosed that information from the application program is used to control bar code reading functionality for reading and analysis of a bar code (e.g., single reading of a one-dimensional bar code, continuous reading of a two-dimensional bar code,

etc...). Accordingly, the bar code is read based on the selected functionality via an instruction provided from the application program. The code data resulting therefrom is thereby used in the execution of the application program. For example, as discussed, the code data may be recognized as copyrighted (by a copyright identifier) and this information used to stop certain functioning of the application program. (See, for example, page 20, lines 13-25 of the originally-filed specification.)

Applicants respectfully submit that at least the above-noted features are not disclosed by Mault. Mault uses analyzed food images to prepare a log of food consumed (a diet log). Mault is silent as to the use of an instruction from an application program that is received by a control mechanism concerning the code data that is to be obtained, the control mechanism controlling functionality of obtaining, storing or analyzing the code image and code data, which code data is then used in the execution of the application program. That is, Mault discloses providing food identifiers, determined from food images, to create a diet log and does not disclose the use of any instruction from an application program that is used in connection with the obtaining, storing or analyzing of the images. Accordingly, in view of the above, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Mault in view of U.S. Patent App. Pub. No. 2002/0083022 to Algazi (hereinafter "Algazi") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

The features of independent claim 1 are discussed above in connection with Mault. Claim 6 depends therefrom.

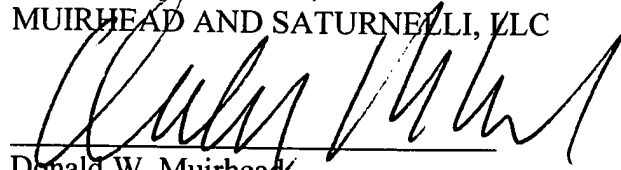
The Algazi reference discloses a system and method for mail security. The Office Action cites to Algazi as disclosing bar codes containing access key information.

Applicants respectfully submit that Algazi does not overcome the above-noted deficiencies of the Mault reference with respect to Applicants' presently-claimed invention. Algazi's use of bar code readers does not address the issues discussed above concerning Mault involving communication of an instruction from an application program to a control means concerning the obtaining, storing or analyzing of a code image and code data therefrom, and resulting use of the code data in executing the application program, among other features, as discussed above and recited by Applicants. Accordingly, Applicant respectfully submit that neither Mault nor Algazi, taken alone or in combination, teach or fairly suggest at least the above-noted features as claimed by Applicants.

Further, Applicants have added new claims 8-20 and, in view of the above-noted remarks, respectfully submit that these claims are patentable over the cited prior art.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC

A handwritten signature in black ink, appearing to read 'Donald W. Muirhead', is written over a horizontal line.

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